

Department of Public Health  
and Human Services

Section:  
CASE MANAGEMENT

TANF CASH ASSISTANCE

Subject:  
WoRC Sanction Process/Good Cause

**Supersedes:** TANF 702-2 (07/01/07);

**References:** ARM 37.78.102, .216, .506 and .508; Deficit Reduction Act of 2005;

► GENERAL RULE—TANF cash assistance participants who are required to participate in allowable work activities and are referred to the Work Readiness Component (WoRC) program for case management must negotiate and sign an individualized Employability Plan (EP). This EP lists the allowable work activities the individual has agreed to participate in; in order to meet the federal participation requirements. The individual also agrees to provide verification and documentation of their participation in the allowable work activities to their WoRC Case Manager.

► Failure to participate in the allowable work activities and/or provide verification and documentation of participation in the allowable work activities, without good cause, will result in the initiation of the sanction process.

#### **ACCEPT AND MAINTAIN EMPLOYMENT**

Because 'MAE' (accept and maintain employment) is a mandatory activity, a TANF participant can be sanctioned for failure to accept or maintain employment, without good cause (TANF 1509-1).

► If the participant reports the loss of employment to the WoRC Program, the WoRC Case Manager should notify the OPA Eligibility Case Manager immediately so a request for information notice can be sent.

► If the participant reports the loss of employment to the Eligibility Case Manager or the WoRC Case Manager reports the loss of employment, the Eligibility Case Manager will send an X009 notice requesting information regarding the loss of employment and good cause verification. If the participant does not respond to the notice or does respond but does not have good cause or cannot verify good cause, the sanction process is initiated.

#### **► NO SANCTION RECOMMENDATION**

A WoRC Case Manager should **not** recommend sanction in the following situations:

1. They have conclusive evidence that the participant has moved (e.g., landlord states the participant has moved, the participant has notified WoRC they are moving, etc.); or
2. **The participant has gained employment.**

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In these situations, the WoRC Case Manager must notify the Eligibility Case Manager of the change and share the verification with the Eligibility Case Manager. The Eligibility Case Manager would send appropriate closure notice and document TEAMS Case Notes (CANO).

## ► SANCTION PROCESS

The Sanction Process begins with the WoRC Case Manager. The WoRC Case Manager completes the “FACTS” and “CASE MANAGER’S ACTIONS TAKEN TO AVOID SANCTION” sections of the HCS-766, “Sanction Recommendation” form stating the specifics of the non-compliance that triggered the sanction recommendation.

- The HCS-766 “Sanction Recommendation” form must be submitted to the OPA **anytime a participant is out of compliance** and the participant does not have good cause for non-compliance, or the participant has not provided verification of the good cause for non-compliance within 10 days of the request. (See General Rule). **The form must be submitted even if the TANF case is closed.**

The HCS-766 and all supporting documentation are submitted to the OPA by fax, as an attachment to an email or by hand delivery. The date the Sanction Recommendation form is received and date-stamped in the OPA is the date of the “sanction recommendation.”

- Once the OPA receives the sanction recommendation form, the Sanction Review Committee must meet within three (3) working days to determine whether or not the sanction is appropriate.

- **NOTE:** The OPA Eligibility Case Manager would not take action on the sanction recommendation until the Sanction Review Committee has made a decision on the recommendation.

## ► SANCTION REVIEW COMMITTEE

A Sanction Review Committee must be established in every county/region. The Sanction Review Committee must include someone from the OPA and should include the primary WoRC Case Manager.

## REVIEW STEPS

The Committee takes the following steps:

- 1. Assess the circumstances and documentation provided by WoRC Case Manager or OPA Eligibility Case Manager;
  2. Determine whether or not the sanction is appropriate and should be imposed or if further action must be taken to reconcile the situation;
  3. Complete the “SANCTION REVIEW COMMITTEE ACTION” section of the HCS-766 (including signatures of all the committee members).

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APPROPRIATE**

If the Sanction Review Committee determines the sanction is appropriate, the following steps will be taken:

**WoRC Case  
Manager**

If it is before the 15<sup>th</sup> of the month, the WoRC Case Manager will change the 'Y' to an 'N' in the CMPY field on EMPL next to the appropriate component.



If it is after the 15<sup>th</sup> of the month, the WoRC Case Manager will not change the 'Y' to an 'N' in the CMPY field on EMPL, unless the Eligibility Case Manager has confirmed the sanction can be imposed with timely notice.



**NOTE:** If the sanction cannot be imposed for the following month, the sanction recommendation form will be retained in the OPA and the sanction imposed for the future month. In this instance, the WoRC Case Manager will enter the 'N' in the CMPY field on EMPL the first of the next month.

**Eligibility Case  
Manager:**

The Eligibility Case Manager will:

1. Enter the sanction on TEAMS (TANF 702-3);
2. Document action taken in TEAMS case notes (CANO); and
3. Send appropriate TEAMS notice.

**► APPROPRIATE  
NOTICE**

The determination of which notice is appropriate will depend on the following:

1. The outcome of the sanction; does it result in a penalty month or an ineligibility period;
2. Whether or not the sanctioned individual is a 'work-eligible' individual and required to negotiate a Family Investment Agreement/Employability Plan (FIA/EP) during a penalty month; and
3. Status of the case, e.g., open or closed.

**► OPEN CASE/  
TIMELY NOTICE**

If the case is currently open and receiving TANF cash assistance, timely notice of the sanction and imposition of the penalty month or ineligibility period must be sent. The penalty month or ineligibility period will begin the month following timely notice.

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- **CLOSED CASE/ADEQUATE NOTICE** If the case is currently closed, for whatever reason, and closure notice has previously been sent, adequate notice of the sanction is appropriate. (TANF 702-3)
- If the sanction results in an ineligibility period, the disqualification period will begin the month following adequate notice and will 'tick' continuously through the ineligibility period, e.g., 3 or 6 months.
- **GOOD CAUSE** The TEAMS notice informs the participant that they have 10 days to request and verify good cause for not completing or verifying the negotiated activities. If good cause is not verified by the participant, the sanction will remain imposed. (TANF 702-3)
- **SANCTION NOT APPROPRIATE** If the Sanction Review Committee determines the sanction is not appropriate and that further action should be taken or attempts to reconcile the situation should be made, the following steps will be taken:
1. The committee will identify the action to be taken;
  2. The committee will notify the WoRC Case Manager; and
  3. The sanction action will be postponed.
- If, after the further action is taken, the issues are resolved, the sanction will not be imposed. If the issues are not resolved, the sanction will be considered appropriate (see 'Sanction Is Appropriate' section above.)
- SANCTION REVIEW FORM** At least ten days after the action taken on the case send the completed HCS-766 to Central Office (Attn: Linda Snedigar) regardless of the committee's decision. Waiting the 10-days but no more than 30 days, allows time for the participant to present good cause reasons.
- **GOOD CAUSE** If at any time prior to the start of the penalty period the participant **requests and provides verification** of good cause for not completing activities or providing verification of participation in activities, the sanction can be lifted. (TANF 702-3)
- If good cause is requested and verified by the participant after the penalty period has started, it will be evaluated on a case by case basis.
- If the participant contacts (either verbally or in writing) either the Eligibility or WoRC Case Manager to provide reasons for good cause **and is able to provide verification of the good cause**, the Sanction Review Committee must review the circumstances causing the failure to comply and evaluate for good cause (TANF 1509-1).

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- **NOTE:** Good cause can be provided in the form of doctor's statements, medical bill, police report, employer statement, etc. In order to provide good cause, the participant does not have to and cannot be required to meet with either the WoRC or Eligibility Case Manager.

Due to situational variables and the "gray" areas of case management, the participant's reason(s) may not meet any of the 'good cause' criteria. The Sanction Review Committee must then consider other possibilities on a case by case basis.

## GOOD CAUSE PROCEDURE

### Responsibility

### ACTION

- |                                  |   |
|----------------------------------|---|
| ► Participant:                   | 1. Contact either the Eligibility or WoRC Case Manager to request <b><u>and provide verification of</u></b> good cause reasons for not complying with negotiated activities.  |
| ► Eligibility/WoRC Case Manager: | 2. Complete the "EVALUATING GOOD CAUSE" section of the HCS-766 stating the participant's good cause reasons. Present the information <b><u>and verification</u></b> of the good cause to the Sanction Review Committee.   |
| Review Committee:                | 3. If good cause is approved, request that an Eligibility Supervisor <u>lift</u> the sanction. (TANF 702-3)   |
| ► Eligibility Case Manager:      | 4. Send notice to the participant of the good cause approval and the requirement to negotiate a new Employability Plan (EP) prior to additional benefits being issued. Supplement or restore benefits once the EP is negotiated.  |
| ►                                | 5. If good cause is denied, send notice informing the household that good cause has been denied. If this is the first sanction, and the individual is a 'work-eligible' individual, the participant will need to contact the Eligibility Case Manager to negotiate a Family Investment Agreement/WoRC Employability Plan ( <u>FIA/EP</u> ) for the penalty month, in order to receive the decreased amount of TANF benefits. If the participant fails to negotiate a FIA/EP for the penalty month, the case is closed for failing an eligibility requirement. |
| ►                                | If the participant is not a 'work-eligible' individual, the participant will need to negotiate a FIA/EP for the month after the penalty month to allow the household to receive further TANF cash assistance benefits. Failure to negotiate a FIA/EP for the month following the  |

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penalty month will result in case closure for failing an eligibility requirement. (A sanction ineligibility month will not be automatically imposed. See TANF 702-3)

6. Send the HCS-766 along with any other supporting documentation to Central Office (Attn: Linda Snedigar).

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